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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 10 March 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the letter dated 24 February 2010 from the Permanent Representative of the Republic of Armenia to the United Nations, contained in document A/64/680-S/2010/102. This letter, which purports to respond to my letter addressed to you in connection with the eighteenth anniversary of an unprecedented massacre of the Azerbaijani population in the town of Khojaly (A/64/658-S/2010/78 of 8 February 2010), is not a single example of sophisticated and blatant falsification, by means of which the Armenian side attempts to deny its responsibility for the serious crimes committed during the aggression against Azerbaijan.

The Armenian side feigns ignorance of the fact that its responsibility for the brutal killings during one night from 25 to 26 February 1992 of 613 residents of Khojaly is recognized and documented by numerous independent sources, eyewitnesses of the tragedy, as well as admitted by Armenia's high-ranking officials and public sources.

Thus, the Permanent Representative of the Republic of Armenia omits clarifying the words of his country's then defence minister and current President, Serzh Sargsyan, who unequivocally admitted culpability for extermination of the inhabitants of Khojaly (Thomas de Wall, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London: New York University Press, 2003), p. 172), as well as the revelations of another Armenian author who gave a detailed account of how Armenian soldiers had been killing the residents of Khojaly (Markar Melkonian, *My Brother's Road: An American's Fateful Journey to Armenia* (London and New York: I. B. Tauris, 2005), pp. 213-214).

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The Permanent Representative of the Republic of Armenia refers to ambiguous, politically motivated and groundless interpretations of the events in Khojaly, according to which the Azerbaijanis themselves allegedly "prevented the evacuation of the local civilian population from the military operation zone" and "the Azerbaijani militia shot those who attempted to flee" in order "to utilize civilian losses of such a magnitude" for internal political purposes. It is no coincidence that such a preposterous idea immediately collapses like a house of cards under the weight of evidence testifying of a situation diametrically opposite to that represented by the Armenian side.

The Armenian propaganda is not fastidious about any means it uses in attempts to enlist at least a kind of support to its cynical allegations. Thus, while manipulating the content of the Helsinki Watch report of 1992, the Permanent Representative of the Republic of Armenia seems to have forgotten that this non-governmental human rights organization had officially responded to the gross misinterpretation of its position by the Armenian side. The following letter dated 24 March 1997 from the Executive Director of Human Rights Watch/Helsinki addressed to the Minister for Foreign Affairs of Armenia speaks for itself.

> "As Executive Director of Human Rights Watch/Helsinki (formerly Helsinki Watch), I wish to respond to the March 3 Ministry of Foreign Affairs statement regarding the 1992 slaughter of Azeri civilians in the town of Khojaly in Nagorno Karabakh. In it, the Ministry argues that the Popular Front of Azerbaijan was responsible for the civilian deaths, supporting this argument by referring to an interview with former President Ayaz Mutalibov and, incredibly, to a 1992 report by our organization.
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> "The Ministry statement reads: '... the militia of the Azerbaijani National Front actively obstructed and actually prevented the exodus of the local population through the mountain passages specifically left open by Karabakh Armenians to facilitate the flight of the civilian population. On this matter, the September 1992 Helsinki Watch non-governmental organization report quotes an Azerbaijani woman who says that Armenians had notified the Azerbaijani civilian population to leave the town with white flags raised, in fact the Azerbaijani militia shot those who attempted to flee.'
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> "Our report indeed found that many residents of Khojaly may have had advance warning of the impending military operation, since Armenian forces had given an ultimatum to Alif Gajiyev, then head of the Khojaly militia, who in turn warned civilians. Our research and that of the Memorial Human Rights Center found that the retreating militia fled Khojaly along with some of the large groups of fleeing civilians. Our report noted that by remaining armed and in uniform, the Azerbaijani militia may be considered as combatants and thus endangered fleeing civilians, even if their intent had been to protect them.
>
> "*Yet we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.* (emphasis added)
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> "We welcome the use of our reports by governments and intergovernmental organizations, and we sincerely hope that there will be no further misrepresentation regarding the contents of our 1992 report." (The full text of

the letter of the HRW Executive Director is available at the HRW website: <http://www.hrw.org/en/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh>)

In other words, whereas Human Rights Watch made it clear in the most unambiguous manner that Armenian forces bear direct responsibility for the civilian deaths in Khojaly and expressed its hope that there would be no further misinterpretation of its report, the Armenian propaganda continues to persistently utilize the refuted arguments and advocate the culture of impunity.

Furthermore, the letter of the Permanent Representative of the Republic of Armenia is yet another illustration of the Armenian side's "forgetfulness" as to the chronology of events pertaining to the beginning of the present-day stage of the conflict between Armenia and Azerbaijan. Thus, the Armenian side passes over in silence that the events in some Azerbaijani cities, notably in Sumgait on 26-28 February 1988, were preceded by a number of illegal declarations and decisions taken with a view to securing the unilateral secession of Nagorny Karabakh from Azerbaijan, attacks at the end of 1987 on the Azerbaijanis in Khankandi (during the Soviet period — Stepanakert) and Armenia, resulting in a flood of Azerbaijani refugees and internally displaced persons who were directed, among other places, to Sumgait. It must be also recalled that on the eve of disturbances in Sumgait, namely on 22 February 1988, near the settlement of Asgaran on the Khankandi-Aghdam highway, the Armenians opened fire on a peaceful demonstration, killing two Azerbaijani youths.

While trying to qualify the events in Sumgait as either "pogroms" or "massacre" against Armenians, the Armenian propaganda at the same time prefers not to mention at all a number of circumstances that are of vital importance in elucidating the true causes of these events. Indeed, on 26-28 February 1988, 26 Armenians and Azerbaijanis were killed in Sumgait. It is notable that one of the leading figures in these disturbances was a certain Edward Grigorian, an Armenian and native of Sumgait, who was directly involved in the killings and violence against the Armenians. By the judgement of the Criminal Division of the Supreme Court of the Azerbaijan SSR dated 22 December 1989, Grigorian was sentenced to 12 years' imprisonment. The Court found Grigorian to be one of the organizers of disturbances in Sumgait. Depositions by witnesses and victims show that he had a list of flats inhabited by the Armenians and, together with three other Armenians, called for reprisals against the Armenians, in which he took part personally. His victims (all Armenians) identified Grigorian as one of the organizers and active figures in the violence that occurred in Sumgait.

According to the Permanent Representative of the Republic of Armenia, "[i]mmediately after declaring its independence, Azerbaijan freed the accused murderers and openly saluted them as national heroes through the mass media". Instead of such irresponsible and groundless allegations, it would be appropriate for the Armenian side to recall that its law-enforcement bodies did not bring criminal proceedings against a single person for the brutal killing of 216 Azerbaijanis in the course of the forcible deportation of the Azerbaijani population from Armenia in 1987-1989.

In fact, events in Sumgait and some other cities of Azerbaijan, being necessary to the Armenian propaganda as a means of launching an extensive anti-Azerbaijani campaign and justifying the ensuing aggressive actions against Azerbaijan, had been

planned and prepared in advance. It is notable that a few days before the beginning of disturbances in Sumgait several Armenian families, the heads of whom, it later transpired, were closely connected to the "Krunk" Committee, an organization which must shoulder a substantial share of the responsibility for unleashing war against Azerbaijan, hurriedly left the city. The only film to chronicle the disturbances, which was promptly distributed around the world, was shot by a professional crew from Armenia who had come to Sumgait specially 24 hours before the events occurred.

The events in Sumgait and some other Azerbaijani cities also could hardly be managed without outside powerful support. As *The Times* wrote, the KGB leadership tried "to weaken the Kremlin's authority and powerbase" and "organised acts of provocation, using genuine local dissatisfaction as a base, in cities across the Soviet Union, including Sumgait and Baku ..." (*Vladimir Kryuchkov: Hardline Soviet Communist who became head of the KGB and led a failed plot to overthrow Mikhail Gorbachev*, Times Online, 30 November 2007, available at: <http://www.timesonline.co.uk/tol/comment/obituaries/article2970324.ece>).

Whereas it has been internationally recognized that the occupation by force of the Nagorny Karabakh region and adjacent areas of Azerbaijan and the ethnic cleansing of the captured territories constitute a flagrant breach by the Republic of Armenia of its obligations under international law, it is curious that the Armenian propaganda continues to qualify the aggression against Azerbaijan as "a peaceful demand of the Nagorno Karabakh people to exercise its right to self-determination".

The Government of the Republic of Azerbaijan made it clear more than once, and I am instructed to point it out once again, that Armenia's claims to the application of the principle of self-determination are contrary to and unsustainable in international law. Otherwise, this would be tantamount to accepting the results of a violation of fundamental norms of international law, including, in particular, those relating to the most serious international crimes as well as a rule prohibiting the use of force.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative